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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/015,077

Filing Date: October 26, 2001

Appellant(s): TURNER ET AL.

Justin Allen
Reg. No. 59,049
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 13, 2008 appealing from the Office action mailed October 11, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6564261	Gudjonsson et al.	5-2003
6675193	Slavin et al.	1-2004
5524110	Danneels et al.	6-1996
6343313	Salesky et al.	1-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 5-6, 16-17, 20-21, 23-24, 34-36, 39, 41-42, 44, and 46-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson (6564261).

Regarding claim 1, Gudjonsson teaches a method for communicating hosted application information to allow sharing of a hosted application session (Column 7, lines 44 – 57; Column 27, line 62 – Column 28, line 7; Column 33, lines 49 – 64), comprising the steps of: instantiating a first instant messaging client on a first network access device (Column 3, lines 1 – 13), said first network access device being remote from a hosted application server (Column 3, lines 14 – 22; Column 27, line 62 – Column 28, line 7), said first network access device participating in a hosted network application (Column 3, lines 38 – 45; Column 27, line 62 – Column 28, line 7);

establishing a communications path from the first network access device to a second network access device (Column 3, lines 46 – 57), said second network access device running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via a network, said communications path for communicating information using an instant messaging

protocol between the first and second network access devices (Column 3, lines 49 – 57); and

using an instant messaging protocol to communicate hosted application information to the second network access device, said information comprising parameters for sharing the hosted application session being participated in by the first network access device (Column 19, lines 45 – 59; Column 20, lines 4 – 35).

Regarding claim 5, which is dependent on claim 1, Gudjonsson teaches that said hosted application information is masked to prevent said information from being readily discernible by a user of the first or second network access device (Column 10, lines 28 – 33).

Regarding claim 6, Gudjonsson teaches a method for communicating hosted application information to allow sharing of a hosted application session (Column 7, lines 44 – 57; Column 27, line 62 – Column 28, line 7; Column 33, lines 49 – 64) comprising the steps of: instantiating a first instant messaging client on a first network access device (Column 3, lines 1 – 13), said first network access device being remote from a hosted application server (Column 3, lines 14 – 22; Column 27, line 62 – Column 28, line 7), said first network access device participating in a hosted network application (Column 3, lines 38 – 45); establishing a communications path from the first network access device to a second network access device (Column 3, lines 46 – 57), said second network access device running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via a network (Column 3, lines 49 – 57); and receiving a request to issue an

invitation from the first network access device to the second network access device, said invitation inviting a user of the second network access device to participate in a shared hosted application session through the second network access device (Column 9, lines 8 – 22; Column 33, lines 49 – 64).

Regarding claim 24, Gudjonsson teaches a method for communicating hosted application information to allow sharing of a hosted application session (Column 7, lines 44 – 57; Column 27, line 62 – Column 28, line 7; Column 33, lines 49 – 64) comprising the steps of: instantiating a first instant messaging client on a first network access device (Column 3, lines 14 – 22), said first network access device being remote from a hosted application server (Column 3, lines 14 – 22), said first network access device participating in a hosted network application (Column 3, lines 38 – 45); establishing a communications path from a second network access device to the first network access device (Column 3, lines 46 – 57), said second network access device having a second network connection, said network connection having a bandwidth, said second network access device further running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via the network connection (Column 3, lines 49 – 57), said communications path for communicating hosted application information using an instant messaging protocol between the first and second network access devices (Column 2, lines 20 – 22); and receiving at the first network access device a request from the second network access device, said request requesting communication of hosted network application information to the second network access device to allow the second network access

device to participate in a shared hosted application session (Column 9, lines 8 – 22; Column 33, lines 49 – 64, where the request from the second device is the affirmative response from an invitation started by the first device).

Regarding claim 42, Gudjonsson teaches a method for providing assistance for a hosted application to an accessor of the hosted application from a support network access device (Column 7, lines 44 – 57, where Gudjonsson teaches two or more users, but it can clearly have one of the user being an accessor), comprising the steps of: instantiating an instant messaging client on a network access device being used by the accessor (Column 3, lines 1 – 13); instantiating an instant messaging client on a support network access device (Column 3, lines 14 – 22); receiving a support request from the accessor network access device, said accessor network access device accessing a hosted application from a remote location, said request being a request for assistance for an on-going hosted application session (Column 27, lines 62 – 67); communicating to the support network access device hosted application information using an instant messaging protocol (Column 2, lines 20 – 22), said hosted application information comprising information for allowing the support network access device to share the ongoing hosted application session; and instantiating an access to the on-going hosted application session on the support network access device, said access causing the hosted application session to become shared with the support network access device (Column 9, lines 8 – 22).

Regarding claims 16, 34, and 47, which are dependent on claims 6, 24, and 42, Gudjonsson teaches that said hosted network application information is masked to

prevent said information from being readily discernible by a user of the second network access device (Column 10, lines 28 – 33).

Regarding claims 17, 35, and 49, which are dependent on claims 16, 34, and 42, Gudjonsson teaches that said hosted application information is encrypted while being communicated to the second network access device (Column 8, lines 23 – 34).

Regarding claims 20, 36, and 48, which are dependent on claims 16, 34, and 42, Gudjonsson teaches that said hosted application information is masked to prevent said information from being readily discernible by a user of the first network access device (Column 10, lines 28 – 33).

Regarding claims 21, 39, and 44, which are dependent on claims 6, 24, and 42, Gudjonsson teaches that said hosted application information comprises role information for defining a participants authority to interact with a shared hosted application (Column 27, line 62 – Column 28, line 8).

Regarding claims 23, 41, and 46, which are dependent on claims 21, 39, and 44, Gudjonsson teaches that wherein a user is associated with a network access device, said user having an identity (Column 2, lines 53 – 62), and wherein said role information is dependant on the identity of the user (Column 27, line 62 – Column 28, line 8).

Claims 7-10, 13-15, 22, 25-28, 31-33, 40, 45, 52, 54-68, 70-83, and 88-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Salesky (6343313).

Regarding claim 52, Gudjonsson teaches a method for providing a hosted application training session, said training session including shared access to a hosted application session between at least one trainer and at least one trainee (Column 7, lines 44 – 57, where Gudjonsson teaches two or more users, but it can clearly have one of the user being a trainee and another a trainer), said method comprising the steps of: instantiating a hosted application session from a trainer's network access device (Column 3, lines 1 – 13), said hosted application session hosted by a remote hosted application server (Column 3, lines 14 – 22), said trainer's network access device being connected to a communications network, said remote hosted application server also being connected to the network; instantiating an instant messaging client on the at least one trainer's network access device; instantiating an instant messaging client on at least one trainee's network access device, said network access device having a trainee's connection to the communications network, said trainee's network connection having a bandwidth (Column 3, lines 49 – 57); communicating to the at least one trainee's network access device hosted application information, said hosted application information comprising information allowing the at least one trainee's network access device to share a hosted application training session (Column 9, lines 8 – 22)

Gudjonsson does not explicitly indicate communicating to the at least one trainee's network access device a capability verification request; determining whether said at least one trainee's network access device is capable of participating in a shared hosted application training session; and when it is determined that said at least one

trainee's network access device is capable of participating in a shared hosted application session.

Salesky teaches a system for sharing a hosted application which includes transferring capability information and determining whether an application can be shared by said network access devices (Column 3, lines 4 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining capabilities in a shared hosted application system in Gudjonsson's system in order to allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

Regarding claim 68, Gudjonsson teaches a method for providing a shared hosted application session, wherein said session is shared among a plurality of shared hosted application participants (Column 7, lines 44 – 57); comprising the steps of: instantiating a hosted application session on a first network access device associated with a first application participant (Column 3, lines 38 – 45), said hosted application session being hosted by an application hosting server (Column 3, lines 14 – 22); instantiating an instant messaging client on said first network access device (Column 3, lines 1 – 13); using said instant messaging client to establish a communications path to at least a second network access device associated with at least a second participant (Column 3, lines 46 – 57), said second network access device having a second connection to the network, said second network connection having a bandwidth; communicating to the at least second participant via the communications path an

invitation to share the hosted application session (Column 3, lines 49 – 57); determining whether the at least second participant desires to participate in a shared hosted application session; when it is determined that said second network access device is capable of participating in a shared hosted application session and that said at least second participant desires to participate in a shared hosted application session, communicating to said second network access device hosted application information, said hosted application information for allowing said second network access device to share a hosted application session (Column 9, lines 8 – 22); and when it is determined that said at least second participant desires to participate in a shared hosted application session, instantiating an access to the shared application session on said at least second network access device in accordance with the communicated hosted application information (Column 19, lines 45 – 59).

Gudjonsson does not explicitly indicate communicating to the at least one trainee's network access device a capability verification request; determining whether said at least one trainee's network access device is capable of participating in a shared hosted application training session; and when it is determined that said at least one trainee's network access device is capable of participating in a shared hosted application session.

Salesky teaches a system for sharing a hosted application which includes transferring capability information and determining whether an application can be shared by said network access devices (Column 3, lines 4 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining capabilities in a shared hosted application system in Gudjonsson's system in order to allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

Regarding claim 83, Gudjonsson teaches a computer-readable medium tangibly embodying instructions which, when executed by a network access device, implement a process comprising the steps of: causing an instant messaging service to be instantiated on a first network access device, said first network access device having a first network connection to a network (Column 3, lines 38 – 45); causing the instantiated instant messaging service to establish a communications path with a remote network access device, said remote network access device having a second network connection to a the network (Column 3, lines 14 – 22); receiving at the first network access device hosted application information (Column 3, lines 17 – 22); and when said hosted application information indicates an available hosted application, attempting to establish a hosted application session with the available hosted application (Column 18, lines 15 – 23).

Gudjonsson does not explicitly indicate communicating to the at least one trainee's network access device a capability verification request; determining whether said at least one trainee's network access device is capable of participating in a shared hosted application training session; and when it is determined that said at least one

trainee's network access device is capable of participating in a shared hosted application session.

Salesky teaches a system for sharing a hosted application which includes transferring capability information and determining whether an application can be shared by said network access devices (Column 3, lines 4 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining capabilities in a shared hosted application system in Gudjonsson's system in order to allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

Regarding claims 60 and 74, which are dependent on claims 52 and 68, Gudjonsson teaches that said hosted network application information is masked to prevent said information from being readily discernible by a user of the second network access device (Column 10, lines 28 – 33).

Regarding claims 61, 63, 75, 77, 79, and 89, which are dependent on claims 52, 68, and 83, Gudjonsson teaches that said hosted application information is encrypted while being communicated to the second network access device (Column 8, lines 23 – 34).

Regarding claims 62, 76, and 78, which are dependent on claims 52 and 68, Gudjonsson teaches that said hosted application information is masked to prevent said information from being readily discernible by a user of the first network access device (Column 10, lines 28 – 33).

Regarding claims 64, 80, and 90, which are dependent on claims 52, 68, and 83, Gudjonsson teaches that said hosted application information comprises role information for defining a participants authority to interact with a shared hosted application (Column 27, line 62 – Column 28, line 8).

Regarding claim 91, which is dependent on claim 83, Gudjonsson teaches the step of controlling interaction between a computer executing the process and a shared hosted application (Column 27, line 62 – Column 28, line 8).

Regarding claims 66, 67, 82, 92, and 93, which are dependent on claims 64, 80, and 91, Gudjonsson teaches that wherein a user is associated with a network access device, said user having an identity (Column 2, lines 53 – 62), and wherein said role information is dependant on the identity of the user (Column 27, line 62 – Column 28, line 8).

Regarding claims 7-9, 25-27, and 58-59, which are dependent on claims 6, 24, and 52, Gudjonsson teaches deciding whether to send the invitation to the second network device based on his preference,

Gudjonsson does not explicitly indicate the step of determining whether a hosted application is shareable.

Salesky teaches a system for sharing a hosted application which includes transferring capability information and determining whether an application can be shared by said network access devices (Column 3, lines 4 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining

capabilities in a shared hosted application system in Gudjonsson's system in order to allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

Regarding claims 10, 28, 57, 73, and 88, Gudjonsson teaches the method of claims 9, 27, 52, 68, and 83.

Gudjonsson does not explicitly indicate determining whether the second network access device has compatible hosted application sharing software installed.

Salesky teaches determining whether the second network access device has compatible hosted application sharing software installed (Salesky, Column 1, lines 41 – 42; Column 3, lines 6 – 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining capabilities in a shared hosted application system in Gudjonsson's system in order to allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

Regarding claims 13, 31, 54, and 70, Gudjonsson teaches the method of claims 6, 24, 52, and 68.

Gudjonsson does not explicitly indicate that some determination being dependant upon the performance capability of the network access device

Salesky teaches that some determination being dependant upon the performance capability of the network access device (Salesky, Column 1, lines 41 – 42; Column 3, lines 6 – 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining capabilities in a shared hosted application system in Gudjonsson's system in order to allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

Regarding claims 14, 32, 55, and 71, Gudjonsson teaches the method of claims 13, 31, 54, and 70.

Gudjonsson does not explicitly indicate the determination is dependant upon a graphical display resolution of the network access device.

Salesky teaches that said the determination is dependant upon a graphical display resolution of the network access device (Salesky, Column 3, line 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining capabilities in a shared hosted application system in Gudjonsson's system in order to allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

Regarding claims 15, 33, 56, and 72, Gudjonsson teaches the method of claims 6, 31, 54, and 70.

Gudjonsson does not explicitly indicate the determination is dependant upon the bandwidth of the network connection between the network access device and the hosted application server.

Salesky teaches that the determination is dependant upon the bandwidth of the network connection between the network access device and the hosted application server (Salesky, Column 3, lines 1 – 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining capabilities in a shared hosted application system in Gudjonsson's system in order to allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

Regarding claims 22, 40, 45, 65, and 81, Gudjonsson teaches the method of claims 21, 39, 44, 64, and 80.

Gudjonsson does not explicitly indicate that said role information may be used to alternate control of a shared hosted application session between a first network access device and a second network access device.

Salesky teaches that there are roles in a shared application system and that control can alternate (Column 8, lines 55 – 57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's teaching of alternating control in Gudjonsson's system in order to allow more than one person to have control and have a viewable screen in a conference (Column 8, lines 55 – 67).

Claims 2-4, 18-19, 37-38, and 50-51 rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Slavin (6675193).

Regarding claims 2-4, 18, 37, and 50, Gudjonsson teaches the method of claims 1, 16, 34, and 42.

Gudjonsson does not explicitly indicate that said hosted application information comprises port information, protocol information, and authorization information for accessing a hosted application session to be shared.

Slavin teaches a shared application system (Column 3, lines 20 – 25) and teaches that the application information sent to the client should include port information, protocol information, and authorization information for accessing a hosted application session (Column 8, lines 16 – 31).

It would have been obvious to one of ordinary skill in the art at the time the invention to use Slavin's teachings in Gudjonsson's system in order to allow a Gudjonsson's system work over HTTP as well as more protocols (Column 8, lines 10 – 15).

Regarding claims 19, 38, 51, Gudjonsson teaches the method of claims 18, 37, and 50.

Gudjonsson does not explicitly indicate said access authorization information is unique to a hosted application sharing session.

Slavin teaches that said access authorization information is unique to a hosted application sharing session (Slavin, Column 8, lines 10 – 20).

It would have been obvious to one of ordinary skill in the art at the time the invention to use Slavin's teachings in Gudjonsson's system in order to allow a

Gudjonsson's system work over HTTP as well as more protocols (Column 8, lines 10 – 15).

Claim 11-12, 29-30, 43, 53, 49 and 84-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Salesky as applied to claims 7-10, 13-15, 22, 25-28, 31-33, 40, 45, 52, 54-68, 70-83, and 88-93 above, and further in view of Danneels (5524110).

Regarding claims 11-12, 29-30, 43, 53, 69, and 84, Gudjonsson teaches the method of claims 9, 27, 24, 42, 52, 68, and 83.

Gudjonsson does not explicitly indicate that said capability verification request comprises application server port information, and wherein said determination of whether said at least one trainee's network access device is capable of participating in a shared hosted application training session comprises determining whether the at least one trainee's network access device is capable of communicating with the hosted application server via the application server port information.

Danneels teaches an application sharing system which includes testing a clients capability ability before it issues any invitations or allows it to conference (Column 66, lines 20 – 31) and that a host server can validate the capability of the client and the connection ability of the client (Column 66, lines 10 – 13) and that the test goes though the communication port (Column 67, lines 27 – 31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Gudjonsson's instant messaging service/application sharing system with Danneels teaching of verifying the ability of a new node to operate

within the limits of the application sharing in order to know before any conference is initiated whether the node can properly participate in any type of conferencing (Column 66, lines 8 – 13).

Regarding claim 85, Gudjonsson teaches the method of claim 84.

Gudjonsson does not explicitly indicate that some determination being dependant upon the performance capability of the network access device.

Salesky teaches that some determination being dependant upon the performance capability of the network access device (Salesky, Column 1, lines 41 – 42; Column 3, lines 6 – 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining capabilities in a shared hosted application system in Gudjonsson's system in order to allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

Regarding claim 86, Gudjonsson teaches the method of claims 85.

Gudjonsson does not explicitly indicate the determination is dependant upon a graphical display resolution of the network access device.

Salesky teaches that said the determination is dependant upon a graphical display resolution of the network access device (Salesky, Column 3, line 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining capabilities in a shared hosted application system in Gudjonsson's system in order to

allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

Regarding claim 87, Gudjonsson teaches the method of claims 85.

Gudjonsson does not explicitly indicate the determination is dependant upon the bandwidth of the network connection between the network access device and the hosted application server.

Salesky teaches that the determination is dependant upon the bandwidth of the network connection between the network access device and the hosted application server (Salesky, Column 3, lines 1 – 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Salesky's system for negotiating and determining capabilities in a shared hosted application system in Gudjonsson's system in order to allow the devices to share an application even if they have differing hardware and software (Column 1, lines 36 – 42).

(10) Response to Argument

The appellant argues that Gudjonsson does not explicitly indicate sharing a hosted application session that is distinct from the instant messaging client.

The examiner disagrees:

Gudjonsson teaches a way of establishing communications between users including adding services such as video conferencing server that is external to the

application (Column 7, lines 35 – 50). More specifically, Gudjonsson teaches a session service that creates a session (text or video conference) for a client and allows that client to send invitations which contain directions about how to connect to the session (Column 27, line 62 – Column 28, line 8). The conference ability of Gudjonsson is further described in Column 33, line 49 – Column 34, line 7, which teaches that the conference is initiated by a first client, but are hosted by the session manager, not the client or the instant message client. The second client is notified and connects to the hosted applications through invitations sent by the first client (Column 27, line 62 – Column 28, line 8). The invitation process is described in Column 9, line 5 – Column 10, line 46. Gudjonsson further describes the invitation process in Column 13, lines 5 – 18 as encompassing many types of communication types including sending text messages to the client to set up a communication session.

So as shown Gudjonsson teaches text, speech, and video conferences that are hosted by servers in the system, and allow the first client to send an invitation to the second client containing information necessary to connect to the hosted application.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kevin Bates/

Primary Examiner, Art Unit 2153

Conferees:

/Glenton B. Burgess/

Supervisory Patent Examiner, Art Unit 2153

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Supervisory Patent Examiner, Art Unit 2151